

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number  
24207-10085

Pursuant to 240 OG 45 and the *Legal Framework For EFS-Web*, I hereby certify that this follow-on correspondence is being officially submitted through the USPTO EFS-Web system from the Pacific Time Zone of the United States on the local date shown below.

on September 10, 2007

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Application Number

10/815,150

Filed

March 31, 2004

First Named Inventor

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Art Unit

2166

Examiner

Navneet K. Ahluwalia

This request is being filed with a notice of appeal.

I am the

applicant/inventor.

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assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

\*Total of 1 of 1 form is submitted.

**ATTACHMENT TO THE PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Pre-appeal review is requested because the rejections in the May 10, 2007 Final Office Action are clearly improper and without any factual or legal basis. Applicant respectfully requests that the Panel indicate claims 1-26 recite allowable subject matter.

**I.      Status of the Claims**

Claims 1-26 are pending and stand rejected. Claims 1-26 are rejected under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2004/0036716 to Jordahl (“Jordahl”) in view of U.S. Patent Application Publication No. 2004/0030741 to Wolton et al. (“Wolton”).

**II.     Rejection of independent claims 1, 5, 14, and 16 and dependent claims 11 and 22 under 35 USC 103(a) in view of Jordahl and Wolton**

The claimed invention relates to identifying boilerplate elements in articles such as web pages. Boilerplate elements include, for example, copyright notices, “Terms of Service” notices, and “Contact Us” links. The claimed invention identifies a common element in a plurality of articles, analyzes the spatial location of the common element, and determines whether the common element is boilerplate based on the spatial location. For example, in some embodiments a common element that appears at the bottom of an article is considered boilerplate.

Specifically, independent claim 1 recites:

A method comprising:

identifying a common element in a plurality of articles;

analyzing a spatial location of the common element in an article of the plurality of articles; and

determining whether the common element is a boilerplate element of the article based at least in part on the spatial location.

Independent claims 5, 14, and 16 recite similar features. Identifying boilerplate is advantageous because it allows boilerplate elements to be distinguished from non-boilerplate (i.e., “content”)

elements when performing operations involving the articles.

Jordahl fails to disclose determining whether a common element is a boilerplate element based at least in part on the spatial location of the element. Jordahl discloses a system and method to create an environment where the analysis of similarities and differences between pieces of information can be customized and displayed in a manner that is easily understood. See Jordahl, Summary, Paragraph [0011]. However, Jordahl neither determines whether elements are boilerplate nor analyzes spatial locations.

The Examiner cited Figure 8 and Paragraphs [0047] and [0048] of Jordahl for the teaching of “determining whether the common element is a boilerplate element of the article based at least in part on the spatial location.” Figure 8 and its corresponding description (paragraphs [0141-0143]) of Jordahl describe a system connecting to a plurality of databases. Paragraph [0047] of Jordahl teaches about a significance threshold for a category that serves as a cut off line to determine whether an element is a member of the category. Paragraph [0048] of Jordahl teaches about a point of view that includes groups of hierarchically-linked categories. While the cited sections arguably disclose classifying items in categories, the sections do not disclose determining whether an element of an article constitutes boilerplate. Thus, Jordahl does not teach or suggest determining whether a common element is a boilerplate element.

The Examiner acknowledges that Jordahl does not disclose basing a boilerplate determination at least in part on the spatial location of the common element, as claimed. The Examiner asserts that this deficiency is remedied by Wolton. However, this latter reference fails to teach or suggest basing a determination on a spatial location of an element in an article as claimed.

In contrast to the claimed invention, Wolton discloses a system displaying search results

in alternate three-dimensional and two-dimensional graphical visualization formats. See Wolton, Abstract. In Wolton, elements are retrieved from web pages and represented based on their associative relationship to real world network information sources, the locations of which bear no relationship with their spatial location in articles. See Wolton, paragraphs [0061] and [0527]. The Examiner cited paragraph [0571] as disclosing using the spatial location of an element as a factor on which a boilerplate determination is based. However, the cited paragraph merely suggests that a common element may be represented in different spatial locations in different information environment metaphors. Wolton is totally silent as to use the location of an element in an article to determine whether the element is boilerplate.

In addition, dependent claim 11 recites a limitation of “responding to the common element being the boilerplate element, removing the boilerplate element from the article; and indexing the article.” Dependent claim 22 recites similar features.

The Examiner cited paragraphs [0077], [0096], and [0133] of Jordahl for the teaching of the above-cited limitation. Paragraph [0077] of Jordahl teaches about sequencing items in the Jordahl system based on data structures of the system and search algorithms. Paragraphs [0096] and [0133] of Jordahl teach that hierarchies of elements in the Jordahl system may be bonded by common elements or structure. These cited sections, like the rest of Jordahl, are totally silent as to removing a boilerplate element from an article and indexing the article. Wolton also does not teach or suggest the limitations of claims 11 and 22.

Accordingly, Applicant respectfully submits that a person of ordinary skill in the art would not find the elements of claims 1, 5, 11, 14, 16, 22 obvious in view of the cited references.

**III. Rejection of independent claims 8 and 19 and dependent claims 9 and 20 under 35 USC 103(a) in view of Jordahl and Wolton**

Independent claims 8 and 19 resemble the independent claims discussed above, except

that claims 8 and 19 base the boilerplate determination at least in part on an analyzed link associated with the common element. Dependent claims 9 and 20 further recite that analyzing the link comprises analyzing an address to which the link refers.

Specifically, independent claim 8 recites:

A method comprising:  
identifying a common element in a plurality of articles;  
analyzing a link associated with the common element in an article of the plurality of articles; and  
determining whether the common element is a boilerplate element of the article based at least in part on the link associated with the common element.

Independent claim 19 recites similar features. The claimed invention is advantageous because it allows for efficient identification of boilerplate. For example, links that go to the home page of a site or a page ending in “help.html” or “copyright.html” may be considered boilerplate.

The Examiner rejected all four claims based primarily on paragraphs [0059] and [0099] of Jordahl.<sup>1</sup> However, the cited paragraphs merely disclose that categories may be linked together and describe a mechanism to implement the linking. Jordahl does not disclose or suggest using a link associated with the common element in an article to determine whether an element is boilerplate, nor does Jordahl suggest analyzing the address to which the link refers. Wolton also does not make determinations or analyze links as claimed.

Thus, a person of ordinary skill in the art considering Jordahl and Wolton, whether taken singly or in combination, would not find the claimed invention obvious.

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<sup>1</sup> The rejection of claim 19 cites to paragraphs [0047]-[0048]. Applicant assumes that this citation is a typographical error and the Examiner meant to reject claim 19 on the same basis as claim 8.

**IV. Summary**

Based on the foregoing, Applicant respectfully submits that each of the pending rejections suffers from a clear deficiency. Accordingly, Applicant requests that the § 103 rejections of claims 1-26 be withdrawn.

Respectfully Submitted,  
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Date: September 10, 2007

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